



Docket No. 35061.02700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Suzuki et al.  
Serial No. : 09/938,749                      Group Art Unit : 2879  
Filed : August 24, 2001                      Examiner: Ashok Patel  
For : *Projection Tube Having Different Neck Diameters*

CERTIFICATE OF MAILING

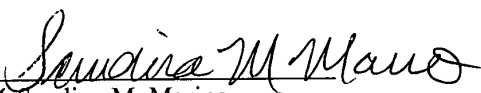
Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this :

Transmittal Letter; Fee Transmittal Form; Petition for Extension  
of Time (three months); Request for Reconsideration (RCE);  
Copy of Response B; Certified Translation of Japanese Patent  
Application No. 2001-173408; check in the amount of \$770.00;  
and return receipt postcard.

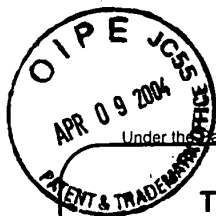
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April 7, 2004

By:   
Sandina M. Marino

Milbank, Tweed, Hadley & McCloy LLP  
One Chase Manhattan Plaza  
New York, New York 10005

NY2:#4585676



PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/938,749	
	Filing Date	August 24, 2001	
	First Named Inventor	Suzuki et al.	
	Art Unit	2879	
	Examiner Name	Ashok Patel	
Total Number of Pages in This Submission	38	Attorney Docket Number	35061.02700

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RCE; Certified Translation of Japanese Patent Application 2001-173408; Check for \$770; Certificate of Mailing
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	James R. Klaiber, Reg. No. 41, 902, Milbank, Tweed, Hadley & McCloy, LLP 1 Chase Manhattan Plaza, NY NY 10005
Signature	
Date	April 7, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: April 7, 2004	
Typed or printed	Sandra M. Marino
Signature	
Date	April 7, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

## Complete if Known

Application Number	09/938,749
Filing Date	August 24, 2001
First Named Inventor	Suzuki et al.
Examiner Name	Ashok Patel
Art Unit	2879
Attorney Docket No.	35061.02700

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 13-3250

Deposit Account Name: Milbank Tweed

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Statutory Disclaimer

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 770.00)

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims:  Extra Claims:  Fee from below:  Fee Paid:

Independent Claims:  -20\*\* =  X  =

Multiple Dependent:  -3\*\* =  X  =

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

Name (Print/Type)	James R. Klaiber	Registration No. (Attorney/Agent)	41,902	Telephone	212-530-5363
Signature		Date	4/7/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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BANK, TWEED, HADLEY & MCCLOY LLP

SERIAL NO. 09/938,749  
ATTORNEY DOCKET NO. 35061-02700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Suzuki et al.	Art Unit:	2879
Serial No.:	09/938,749	Examiner:	Ashok Patel
Filed:	August 24, 2001		
Title:	PROJECTION TUBE HAVING DIFFERENT NECK DIAMETERS		

**RESPONSE B**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicant respectfully submits this Response to the Final Office Action mailed October 7, 2003. None of the claims are amended. A petition and fee for a 3-month extension of time have been submitted on an even date herewith.

Remarks/Arguments begin on page 2 of this paper.

**REMARKS****1. Status of Application**

This application includes claims 1-19. Claims 1-8 and 11-15 were rejected under 35 U.S.C. §102(e) as anticipated by published U.S. Patent Application No. 2002/0180335 A1 (Ser. No. 09/909,195) to Saitou et al. ("Saitou"), and claims 9, 10, and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Saitou alone.

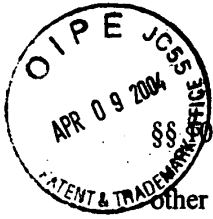
**2. Discussion****a. Rejections Under §102(e) and 103**

Claims 1-19 were initially rejected under 35 U.S. §102(e) as being anticipated by Saitou or for being unpatentable under 35 U.S.C. §103(a) in view of Saitou alone.

Saitou has a U.S. filing date of July 19, 2001. Furthermore, Saitou is not based on an international application, so it is not entitled to a "U.S. filing date" any earlier than its actual July 19, 2001 U.S. filing date.

The present application claims priority to Japanese Patent Application No. 2001-17348 filed June 8, 2001, and the Examiner has indicated that the claim to convention priority, as well as a certified copy of the Japanese priority document, have been received by the U.S.P.T.O.

In their previous response, applicants have respectfully pointed out that the present application is entitled to a date of invention at least as early as the June 8, 2001 priority date, which is before the July 19, 2001 U.S. filing date of Saitou. Applicants thus submitted that Saitou is not properly citable as prior art under 35 U.S.C. § 102(e) against the present application. Accordingly, applicants submitted that any provisional rejection under 35 U.S.C.



§§ 102(e), 103 of the present claims that relies on Saitou, either alone or in combination with other references, would be improper.

In the October 7, 2003 Final Office Action, the Examiner maintained the rejection of claims 1-19 under 35 U.S. §102(e) as being anticipated by Saitou or for being unpatentable under 35 U.S.C. §103(a) in view of Saitou alone, stating that a certified translation of the priority document was not of record. Final Office Action at 4-5.

Applicants have submitted herewith a certified copy of the priority document.

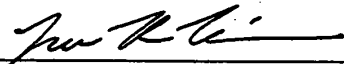
Accordingly, applicants submit that the rejections over Saitou should be withdrawn.

### 3. Conclusion

It is respectfully submitted that the present application as amended is in condition for allowance and prompt notification thereof is requested. If the prosecution of this application can be advanced by a telephone conference, the Examiner is requested to call the undersigned at (212) 530-5363.

Respectfully submitted,

Dated: April 1, 2003

  
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